IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No.20630 of 2006
Date of decision: 22-02-2007

1. Suman Lata w/o Sh. Raghubir Singh, r/o Village Tikri, P.O. Urnai, Tehsil Pehowa, District Kurukshetra.
2. Satnam Singh s/o Sh.Sita Ram, r/o Village Lotni, P.O. Jalbehra, Tehsil Pehowa, District Kurukshetra.
3. Ram Kumar s/o Sh. Lachhman Ram, r/o Village Shahpur, P.O. Siana Saidan, Tehsil Pehowa, District Kurukshetra.
4. Manoj Kumar s/o Sh.Ajmer Singh, r/o VPO Jalbehra, Tehsil Pehowa, District Kurukshetra.
5. Amarjeet Singh s/o Sh. Jaswinder Singh, r/o Village Nanak Pura, P.O. Sandhola, Tehsil Pehowa, District Kurukshetra.
6. Ishwar Chand s.o Sh. Joga Ram, r/o VPO Harigarh Bhorakh, Tehsil Pehowa, District Kurukshetra.
7. Devender Kumar s/o Sh. Chamel Singh, r/o VPO Pabnawa, Tehsil Dhand, District Kaithal.
8. Shiv Parshad s/o Sh. Amar Nath, r/o VPO Bakhli, Tehsil Pehowa, District Kurukshetra.
9. Mrs. Nitika Sharma w/o Dr.Tarun Sharma, C/o Dr. Jagdish Sharma, Near Sabji Mandi, Old Post Office, Shahabad Markanda, District Kurukshetra now posted as Art and Craft Teacher (Guest Faculty), Government Senior Secondary School, Shahabad (M), District Kurukshetra.
10. Divya Wadhwa d/o Sh. Surinder Kumar Wadhwa, r/o House No.316/10, Ekta Vihar Colony, Shahabad Markanda, District Kurukshetra now posted as Art and Craft Teacher (Guest Faculty) Government High School, Haripur (Baram) District Kurukshetra.
11. Mamtesh Devi d/o Sh. Sulekh Chand, r/o Village Kathgarh, Tehsil Ismailabad, District Ambala.
12. Chander Pal s/o Sh. Gulab Singh, r/o Village Thehnewal, Post Ofice Peedal, Tehsil Guhla, District Kaithal.
13. Kiran Devi d/o Sh. Balkar Singh, r/o Village Thehnewal, Post Office Peedal, Tehsil Guhla, District Kaithal.
14. Manbha Wati w/o Sh. Ganga Ram r/o Hanuman Colony Salimpur, Ward No.9 Cheeka, Tehsil Guhla, District, Kaithal.
15. Amrik Singh s/o Sh. Amarjit Singh, r/o Village Nandgarh, Post Officed and Tehsil Guhla, District Kaithal.
16. Mohan Singh s/o Sh. Gurcharan Singh, r/o Village Nandgarh, Post Office and Tehsil Guhla, District Kaithal.
17. Jagdish s/o Sh. Ram Pal Singh, r/o Village Pisol, Tehsil Guhla, District Kaithal.
18. Geeta Devi d/o Sh. Ram Phal, r/o VPO Tumbaheri, Tehsil and District Jhajjar.
19. Ravi Dutt s/o Sh. Parshotam Dass, r/o VPO Cheeka, District Kaithal.
20. Puneet Kaur d/o Sh. Gurbachan Singh, c/o Sh. Babu Ram, r/o House No.816, Back Laxmi Theater, Vishvakarma Mohalla, Hamid Colony, Yamuna Nagar, District Yamuna Nagar.

21. Poonam Rani d/o Sh.Madan Lal, r/o Four Marla Colony, Pehowa District Kurukshetra.
22. Rajesh Kumar s/o Sh. Ram Sarup, r/o VPO Taragarh, District Kaithal.
23. Harshit Grover s/o Sh. Smesh Grover, r/o Grover Clinic, Near Old Post Office, Pehowa, District Kurukshetra.
24. Narender Kumar s/o Sh. Tek Chand, r/o Bhagirath Niwas, Pacholian Street, Pehowa, District Kurukshetra.
25. Sangeeta Sharma d/o Sh. Jai Krishan Sharma, r/o House No.839/3, Huda Kurukshetra, District Kurukshetra.
26. Amarjeet Kaur d/o Sh. Harpal Singh, r/o House No.623/6, Patel Nagar, Kurukshetra, District Kurukshetra.
27. Bharti d/o Sh. Gulshan Rai and wife of Sh. Rajesh Sidana, r/o House No.64/1, Mohalla Majri, Shahabad Markanda, District Kurukshetra.
28. Vikas Pal Singh s/o Sh. Karan Singh, r/o VPO Sudhpur, District Kurukshetra.
29. Meena Bhatia w/o Sh. Ram Nath Bhatia, r/o House No.198/8, Mohalla Ghumania, Shahabad, District Kurukshetra.
30. Krimta Kumari d/o Sh. Kesho Ram, r/o Village Dera, P.O. Hamidpur, Tehsil Naraingarh, District Ambala.
31. Arun Bala Saini w/o Sh. Mahabir Singh, r/o House No.241, Ward No.6, Near Vishavkarma Mandir, Naraingarh District Ambala.
32. Nisha Walia w/o Sh. Anuj Kumar Walia, r/o House No.249, Ward No.1, Durga Colony College Road, Naraingarh, District Ambala.
33. Om Pal s/o Sh. Hem Raj, r/o Village Mugal Majra, Tehsil Naraingarh, District Ambala.
34. Poonam Sharma w/o Mr. Bharat Bhushan Sharma, r/o Durga Colony, Ward No.2, Naraingarh, District Ambala.

.....PETITIONERS

Versus

1. The State of Haryana through Secretary to Government of Haryana Department of Education, Haryana Civil Secretariat Chandigarh.
2. Director, School Education, Haryana, 30 Bays Building, Sector-17, Chandigarh.
3. Haryana Staff Selection Commission, Bays No.67-70, Sector-2, Panchkula, Haryana through its Secretary.
4. Devender Bhankhar s/o Sh. Om Parkash, 196/30, Ambedkar Nagar, Mehlana Road, Sonepat.
5. Pardeep son of Sh.Rajinder Singh, VPO Krishanghar Meham, District Rohtak.
6. Anil Kumar son of Sh.Om Parkash, 523/31, Ashok Vihar, Sonepat.
7. Amita d/o Balwant Singh, 208-B, Ramgopal Colony, District Rohtak.
8. Archana d/o Ramphal Verma, 345/11, New Adarsh Nagar, Sonepat.
9. Dharmender Singh s/o Gulab Singh, Village & Post Office Chachrote, District Yamunanagar.

10. Manish Yadav s/o Sh.Ram Kishore, New Colony, Pataudi, District Gurgaon.
11. Mohit Kumar s/o Sh. Gianander, New Colony, Pataudi, District Gurgaon.
12. Ajay Kumar s/o Sh.Lal Chand,Village Gudhana Post Office, Sharpur, District Gurgaon.
13. Vikas s/o Sh.Rakesh Kumar, Village Belewa Post Office Khalipur, District Gurgaon.
14. Priyanka Yadav d/o Sh.Rattan Lal, Village Jeewra Post Office Asiyaki Gorawas, District Rewari.
15. Mool Chand s/o Sh. Kailash Chand Soni, Village & Post Office Dholeda, District Mahendergarh.
16. Pooja Yadav d/o Sh.Kawar Singh, 54/4 Shakti Nagar, District Rewari.
17. Dharmveer Singh s/o Sh.Hari Ram, Village Chandenwas, Post Office Ashiya-ki-Gorawas, District Rewari.
18. Pardeep Kumar s/o Sh.Upender Singh, Village & Post Office Giraulra, District Rewari.
19. Parambir Singh s/o Sh.Bishmber Dayal, Village & Post Office Noor Ghar, District Gurgaon.
20. Nisha Yadav d/o Sh. Zile Singh, Village & Post Office Noor Ghar, District Gurgaon.
21. Ajay Kumar s/o Sh. Sant Kumar, Ajay Tent House Jhajjar Road, Rewari.
22. Sapna d/o Sh. Pawan Kumar,Village Jeewra Post Office Asiya-ki-Gorawas, District Rewari.
23. Hans Raj s/o Sh. Pawan Kumar, Village Jeewra Post Office Asiya-ki-Gorawas, District Rewari.
24. Munish Kumar s/o Sh.Om Parkash, Village & Post Office Pahadi, District Gurgaon.
25. Ravi Yadav s/o Sh.Ved Parkash, Village Pehrajwas Post Office, Palawas, District Rewari.
26. Vijay Singh s/o Sh. Hukam Chand, Village Rajpura Post Ofice Sherpur, District Gurgaon.
27. Rambir Singh s/o Sh.Desh Raj Yadav, Village & Post Office Dhorka, District Gurgaon.
28. Dharmanand s/o Sh. Babu Lal,Village Noorgarh Post Office Asiya-ki-Gorawas, District Gurgaon.
29. Suman Devi w/o Sh. Manoj Kumar Kathmandi, Village & Post Office Meham, District Rohtak.
30. Dhanraj Yadav s/o Sh.Rattan Lal Yadav, Village & Post Office Sherpur, District Gurgaon.
31. Sapna Yadav d/o Sh. Vidyanand,Village & Post Office Wajirabad, District Gurgaon.
32. Deepak Mor s/o Sh.Dilbagh Singh Mor, Village & P.O. Baroda Mor, Tehsil Gohana, District Sonepat.
33. Reena d/o Sh. Prem Chand, Village & Post Office Noor Pur, District Gurgaon.
34. Manish Kumar s/o Sh. Satyavir Singh Opposite Post Office, Dr.Om Parkash Wali Gali, Gohana, District Sonepat.

35.Savita d/o Sh. Rajinder Singh, House No.613/3, Adarsh Nagar, Gohana, District Sonepat.
36.Monika d/o Sh.Arjun Singh Bhatheja, Main Bazar Gohana, District Sonepat.
37.Dharam Rohila s/o Sh.Baljeet Singh, House No.832, Sector-4, Rohtak.
38.Anil s/o Sh.Om Parkash Nandwani, House No.56/21, Gali No.2, Roop Nagar, Sonepat.
39.Sandesh s/o Sh.Ramotar, Village & Post Office Khetiwas, District Gurgaon.
40.Udai Veer s/o Sh.Amar Singh, Village Bapas P.O. Phari, District Gurgaon.
41.Narinder Singh s/o Sh.Phool Singh, Village Deklawas P.O. Khor, District Gurgaon.
42.Mukesh Kumar s/o Sh.Bhim Singh, House No.647/28, West Ran Nagar, Sonepat.
43.Pardeep Kumar s/o Sh.Umed Singh, r/o VPO Narnaud, District Hisar.
44.Ms.Poonam Devi d/o Sh. Balbir Singh, r/o VPO Naran Khera, District Sonepat.
45.Ajay Kumar s/o Sh.Randhir Singh, r/o VPO Moi Majri, District Sonepat.
46.Devender s/o Sh.Randhir Singh, r/o VPO Moi Majri, District Sonepat.
47.Ms.Aashima Sangwan d/o Sh. Ramesh Chander, r/o Defence Colony, District Jind.
48.Anil s/o Sh. Om Parkash, r/o Ashok Vihar, District Sonepat.
49.Sunil s/o Sh. Om Parkash, r/o 523/B1,Ashok Vihar, District Sonepat.
50.Ms. Archna d/o Sh.Ramphal Verma, r/o New Aadarsh Nagar, District Sonepat.
51.Parveen s/o Sh. Sunderlal, r/o VPO Turakpur Pataudi, District Gurgaon.
52.Ravinder s/o Sh. Om Parkash, r/o Amrit Colony, District Rohtak.
53.Krishan Kumar s/o Sh. Om Parkash, r/o VPO Chicharana, District Sonepat.
54.Jasmer s/o Sh. Prem Singh, r/o VPO Rabra, District Sonepat.
55.Sudhir Kumar s/o Sh.Kulbeer Singh, r/o VPO Kohla, District Sonepat.
56.Sandeep s/o Sh.Leela Ram, r/o VPO Basai, District Mahendergarh.
57.Sonu Ram s/o Sh. Shilak Ram, r/o VPO Nandghar Julana, District Jind.
58.Raghubeer Singh s/o Sh. Kehar Singh, r/o VPO Kapad, District Hissar.
59.Mukesh Kumar s/o Sh. Dulichand, r/o VPO Kasand, District Sonepat.
60.Smt. Sunita w/o Sh.Raesh Malik, r/o VPO Khanpur Kalan, District Sonepat.
61.Smt. Nirmal Devi w/o Sh. Suresh Chander, r/o VPO Kasanda, District Sonepat.

62.Rajbir s/o Sh. Prem Singh, r/o VPO Dhanana, District Bhiwani.
63.Ms.Monika d/o Sh.Arjun Bhateja, r/o VPO Babain,
District Kuruksehtra.
64.Gaurav Sharma s/o Sh.Naresh Kumar, r/o VPO Chachroli,
District Yamunanagar.
65.Munish Kamboj s/o Sh.Suresh Kumar, r/o VPO Kait,
District Yamunanagar.
66.Bhupesh s/o Sh.Yashpal Singh, r/o VPO Chuhurpur,
District Yamunanagar.
67.Vipin Kumar s/o Sh. Jai Parkash, r/o VPO Alahhar,
District Yamunanagar.
68.Devender Singh s/o Sh.Jagir Singh, r/o VPO Gundiyana,
District Yamunanagar.
69.Jitender s/o Sh.Sheoram, r/o VPO Chachroli,
District Yamunanagar.
70.Sunil Kumar s/o Sh.Rishipal, r/o VPO Nathanpur,
District Yamunanagar.
71.Om Kumar s/o Sh.Maan Singh, r/o VPO Hasanpur,
District Yamunanagar.
72.Amit Kumar s/o Sh. Pitambar Singh, r/o VPO Dadupur Head,
District Yamunanagar.
73.Neeraj Kumar s/o Sh.Amar Singh, r/o VPO Mehar Majra,
District Yamunanagar.
74.Ms.Anita Sheoran d/o Sh.Kulbir Sheoran, r/o District Hisar.
75.Karnail Singh s/o Sh.Dharampal Singh, r/o VPO Naina,
District Kaithal.
76.Jaideep Mor s/o Sh.Dilbag Mor, r/o Sector-7, Gohana,
District Sonepat.
77.Satish s/o Sh.Dharampal, r/o VPO Bilaspur,
District Yamunanagar.
78.Ms.Sujata d/o Sh.Ramesh Chander, r/o VPO Musyerur,
District Rewari.
79.Munish Kumar s/o Sh.Satbir Singh, r/o H.No.31/7,Gohana
District Sonepat.
80.Ajay Kumar s/o Sh.Lal Chand, r/o VPO Gudana Sherpur,
District Gurgaon.
81.Yogesh Kumar s/o Sh.Satbir Singh, r/o VPO Ghauri, Tehsil
Palwal, District Faridabad.
82.Ms.Pooja Sharma d/o Sh.Jai Parkash Kaushik, r/o Tehsil Palwal,
District Faridabad.
83.Sumit Kumar s/o Sh.Dharambir Singh, r/o H.No.9, New Colony,
Palwal, District Faridabad.
84.Indraj Khutela s/o Sh. Prem Raj, r/o VPO Dhudola, Tehsil Palwal,
District Faridabad.
85.Ms.Suman d/o Sh.Chetan Parkash, r/o 392/24, Jawahar Nagar,
Tehsil Palwal, District Faridabad.
86.Lalit Kumar s/o Sh.Om Pal, r/o Fatehpur Tagah,
District Faridabad.

....RESPONDENTS

Coram: **Hon'ble Mr. Justice Ashutosh Mohunta.**
Hon'ble Mr. Justice R S Madan

Present: S/Shri Ram Kumar Malik, DS Patwalia,
Sumeet Sheokhand, Anand Bhardwaj, Jagbir Malik,
Tara Chand Dhanwal, Ranjit Saini, Pritam Saini,
BK Bagri, Girish Agnihotri, DP Malik, Ravi Kumar,
Narender Kumar Sharma, Jitender Singh Chahal,
AKS Goyat, Karamveer Singh, JS Saneta, Dinesh Kumar
Jangra, RS Mamli, Amar Vivek, Umesh Narang,
ML Sharma, DS Nirban, VS Punia, Mani Ram Verma,
Parminder Singh, Raman Chawla, Jagdip Singh,
JS Chahal, Surya Kant Gautam, PK Ganga, Raminder
Chauhan, Sanjeev Kodan, Vivek Suri, RK Hooda,
HN Khanduja, Ramesh Chahal, Madan Pal,
Sudhir Aggarwal, JP Sharma, MK Sangwan,
Rajesh Bansal, Minderjit Yadav, Pardeep Solat,
PR Yadav, YP Malik, Vinod K.Soni, Ramesh Sharma
and Mr.Rajinder Singh Malik, Advocates
for the petitioners.

Dr.Anmol Rattan Sidhu, Additional Advocate General,
Haryana for the respondent-State.

Mr.Akshay Bhan, Advocate
for respondents 4 to 8.

Ms.Alka Chatrath, Advocate
for respondents No.9 to 42.

Mr.Puneet Bali, Advocate
for respondents No.43 to 86.

Mr.SC Sibal, Senior Advocate with
Mr.VS Rana, Advocate
for the respondent-University.

R.S.MADAN, J.

This is a bunch of 113 petitions bearing Civil Writ Petitions No.16715, 17344, 17860, 18238, 20577, 20617, 20641, 20847 and 20848 of 2006 and Civil Writ Petitions No.39, 40, 41, 50, 53, 54, 99, 120, 135, 153, 176, 224, 230, 232, 233, 238, 240, 260, 275, 281, 289, 291, 301, 302, 304, 305, 318, 320, 325, 340, 361, 366, 388, 395, 412, 417, 423, 465,

495, 497, 503, 505, 508, 512, 527, 570, 587, 603, 604, 624, 652, 682, 731, 732, 739, 753, 760, 765, 771, 776, 779, 794, 803, 863, 865, 949, 959, 1014, 1024, 1033, 1154, 1253, 1269, 1413, 1478, 1516, 1530, 1572, 1658, 1693, 1730, 1738, 1759, 1800, 1801, 1970, 2057, 2163, 3, 6, 530, 921, 2021 and 1616 of 2007 involving identical questions of law and facts, which have arisen out of an advertisement No.6 of 2006 date 20-07-2006 vide which the Haryana Staff Selection Commission (hereinafter referred to as 'Commission') invited the applications for 816 posts of the Arts and Craft Teachers in the State of Haryana.

During the pendency of these petitions, eight petitions which came up for urgent hearing are also being disposed of with this petition. These are (1) CWP No.2315 of 2007 titled as **Surinder Kumar and others Vs. State of Haryana**; (2) CWP No.2323 of 2007 titled as **Mamita Vs. State of Haryana**; (3)CWP No.2328 of 2007 titled as **Babli and others Vs. State of Haryana**; (4)CWP No.2365 of 2007 titled as **Seema Gupta and another Vs. State of Haryana**; (5)CWP No.2409 of 2007 titled as **Sudeep Kumar and others Vs. State of Haryana**; (6)CWP No.2411 of 2007 titled as **Reema Hans Vs. State of Haryana**; (7)CWP No.2438 of 2007 titled as **Preeti Yadav Vs. State of Haryana;** (8)CWP No.2446 of 2007 titled as **Mahender Singh and others Vs. State of Haryana;** (9) CWP No.2531 of 2007 titled as **Karamvir and others Vs. State of Haryana and** (10) CWP No.2624 of 2007 tiled as **Narinder Kumar and another Vs. State of Haryana.**

For the purpose of disposing of these writ petitions, the facts are being taken from the Civil Writ Petition No.20630 of 2006 titled as **Suman Lata and others Vs. State of Haryana and others.**

Vide Annexure P5, respondent No.3 published advertisement No.6 of 2006 on 20-07-2006 inviting the applications to fill up 816 posts of the Arts and Craft Teachers from the candidates having the following qualifications:

> *"(i) Matric from Haryana School Education Board or an equivalent qualification recognized by the Haryana School Education Board.*
> *(ii)Two year Diploma in Arts and Craft examination conducted by the Haryana Industrial Training Department or an equivalent qualification recognized by the Haryana Education Department.*
> *(iii)Knowledge of Hindi upto Matric Standard."*

The case of the petitioners is that they passed their matriculation examination, with the subject of Arts and Craft/Drawing, or they had passed subject of Arts and Craft/Drawing in their matriculation, as additional subject. All the petitioners have passed their two years diploma of Arts and Craft from Kurukshetra University, Kurukshetra. Kuruksehtra University, Kurukshetra, is the first University of State of Haryana. The petitioners on the basis of their aforesaid qualifications applied for the aforesaid post to the Commission. Their applications were not entertained for the reasons that the petitioners have since passed their two years Diploma of Arts and Craft from Kurukshetra University Kurukshetra, which is not recognized by the State of Haryana, which led to the filing of the aforesaid bunch of petitions. At the motion stage, all the petitioners in 110 petitions were ordered to be provisionally interviewed by the Commission.

It was on 12-12-2006 that The Director School Education, Haryana, Chandigarh, addressed a letter (Annexure P-6) to all

the District Education Officers, all the District Elementary Education Officers and Director SCERT Gurgaon vide which it was informed that Diploma in Art & Craft conducted by Director Industrial Training and Vocational Education Haryana is the only recognized course in the State of Haryana. The Diplomas/Certificates in Arts & Craft from the Kurukshetra University, Kurukshetra and other Universities are not recognized for the purpose of appointment for the Arts & Craft Teacher in Haryana State. This letter was signed by the Registrar Education (Schools) for Director School Education Haryana, Chandigarh, the validity of which is under challenge in these writ petitions.

It is pertinent to mention here that a letter Annexure P1 was written from the office of Financial Commissioner & Secretary to Government of Haryana to Education Department, Chandigarh vide memo No.T5/84/79-Edu-II(2) dated 2.11.99. The relevant portion of the same is reproduced as under:

> *"It is now decided that the Degrees/Diplomas/Certificates/Examination recognized by the Kurukshetra University, Kurukshetra, Maharshi Dayanand University, Rohtak, Guru Jambeshwar University, Hisar, Haryana Agricultural University, Hisar, N.D.R.I. Karnal, Board of School Education Haryana, Bhiwani, State Board of Technical Education Haryana would stand recognized in the State of Haryana for admission and recruitment purpose."*

Further the department of Education, Haryana had given clear advice to the students and institutions imparting Arts and Craft

Diploma awarded by Kurukshetra University, Kurukshetra that the two years Arts and Craft Diploma awarded by the Kurukshetra University, Kurukshetra is recognized by the State of Haryana for appointment as Arts and Craft Teachers in the State of Haryana. Annexure P3 is the copy of the letter bearing memo No.3/12-2004/Cord(4) dated 27-05-2005 written to a student Sh. Yashpal informing him that the Arts and Craft Diploma awarded by the Kurukshetra University Kurukshetra is recognized by the State of Haryana. The English translation of the same is reproduced as under:

"From

Director Secondary Education, Haryana.

To

Yashpal son of Sh. Hira Chand Gundli
Ward No.10, Barwala, Hisar.
Near Airtel Tower.

Memo No.3/12-2004-Cord(4)
Dated, Chandigarh 27.5.05.

Subject: Recognition of Art and Craft Diploma for Drawing Teachers.

With regard to matter under consideration, it is stated that Art and Craft Diploma awarded by Kurukshetra University, Kurukshera is recognized in the State of Haryana.

Sd./-
Deputy Director Coordination for Director Secondary Education, Haryana, Chandigarh."

Annexure P4 is yet another letter, which was written to Sh. Joni Singh by the Director Secondary Education, Haryana, Chandigarh, on 30-05-2005, which is reproduced as under:-

"From

Director Secondary Education
Haryana Chandigarh.

To

1.Sh.Joni Singh,
C/o G.N.Sansthan Kurukshetra,
Jangra Dharamshala, Near Chota Railway Station (Thanesar) Kuruksehtra.

2. Principal, Bharti Vidya Mandir High School,Civil Hospital Road, Barwala (Hisar).

Memo No.15/67-2003-CO-(4)
Dated: Chandigarh The 30.5.2005.

Subject:Regarding Recognition/Equivalence of the Diploma of Art and Craft conducted by the Kurukshetra University, Kurukshetra.

Reference on the subject cited above.

"It is intimated that as per the instructions issued by the State Government vide memo No.26/54/99 Edu-I(2) dated 2.8.99 the Art and Craft Diploma Course conducted by the Kurukshetra University, Kurukshetra is recognized in the State of Haryana.

Sd/-

Superintendent Co-ordination
For Director Secondary Education Haryana Chandigarh."

The Director, Secondary Education, Haryana addressed a letter (Annexure P2) to Director, Department of Public Relation Haryana,

Chandigarh vide memo No.15/67/03-Cord(5) dated 20-4-2004, the relevant portion of which reads as under:

> *"You are hereby informed that Government Instructions vide letter Sr.No.26/5/99 Edu-II(2) dated 2.8.99 the Art and Craft Diploma issued by the Kurukshetra University, Kurukshetra is recognized from Government of Haryana."*

It was on the basis of these assurances from the Director, Secondary Education, Haryana that the students took admission for Arts and Craft and continued with their Diploma study in Arts and Craft. The petitioners have also placed on record their Marksheet of Matriculation Certificate (Annexure P7 and Annexure P8 of additional subjects). Petitioner-Suman Lata has also passed Ist year of Art and Craft examination in 2004 securing 713 marks out of 1000. Annexure P9 is the detailed marks of Ist year and Annexure P10 is the detailed marks of Ist and IInd year showing that Suman Lata secured 1435 marks out of 2000.

The petitioner also relied on Annexure P11, another letter dated 18-03-1975, in which the Government of Haryana has taken the following decisions:

> *"1.. Those degrees or diplomas etc. which are recognized by Govt. of India, those will be recognized by Government of Haryana also.*
>
> *2. Degrees and diplomas etc. awarded by recognized universities and High/Higher Secondary Boards established by State Governments will be ipso-facto recognized.*

3. *Apart from that, those degrees and diplomas about whom a reference came from other States, that shall be examined and such degrees and diploma shall be recognized reciprocal basis.*
4. *Apart from this, application for recognitions are from such institutions which are not covered in any of these three, particularly such institutions are in the subjects of Music and Arts etc. and many of them have already obtained recognition. No similar policy can be formed for such institutions and degrees/diplomas awarded by those for recognition. If such request is received it can be looked on its own merits."*

The petitioners on the strength of these letters and instructions of Government of Haryana issued from time to time claimed that the Diploma awarded to them in Arts and Craft by the Kurukshetra University, Kurukshetra has since been recognized by Government of Haryana, and, therefore, they are eligible to be considered for the 816 posts of Arts and Craft Teachers advertised by the Commission, vide advertisement Annexure P5 as under:

"<u>Cat.No.22</u>
816 posts of Arts and Crafts Teacher
(General=387, SC-A=82, SC-B=82, BC-A=131, BC-B=88, WSM(Gen)=29, ESM (SC-A)-1, ESM (SC-B)-1, ESM (BC-A)-3, ESM (BC-B)=3, Outstanding Sportsperson (Gen)=4, Outstanding Sportsperson (SC-A)=1, Outstanding Sportsperson (SC-B)=1, Outstanding

Sportsperson (BC-A)=2, Outstanding Sportsperson (BC-B)=1)"

It is pertinent to mention here that fact that some of the petitioners in various petitions were working as Arts and Craft Teachers (Guest Faculty) in various Government Schools further manifest that they are eligible to teach the Arts and Craft to the students and, thus, they are eligible to be considered against the regular posts advertised by the Commission.

The respondents filed written statement in this petition and prayed that this written statement be read as the written statements in all the petitions.

In written statement the respondents took up the following plea by way of preliminary objections:

"That the Diploma of Art & Craft is given by the Industrial Training and Vocational Education Department Haryana to the students who attend regular classroom teaching. Most of the subjects are practical subjects and their studies can not be possible through Distance Education. The Diploma of Art & Craft issued by the Kurukshetra University was given through Distance Education. Thus the same can not be equated with the Diploma given through regular class room studies. Moreover, the Diploma issued by the said University was only for enhanced academic qualifications. The 2 Year Diploma in Art & Craft was started by the Kurukshetra University, Kurukshetra through Service Providers under correspondence courses

w.e.f 2003-2004 without the permission of the Govt. of Haryana. Consequent upon the introduction of this course by the Kurukshetra University, Kurukshetra, the Director of Industrial Training and Vocational Education, Haryana took a serious view in the matter because their Department is also running a similar course in I.T.Is. The letter is approved by the National Apprenticeship Board and the Board of Vocational Education and Industrial Training. The Vocational Education department informed vide letter dated 24.11.2003 (Annexure R-1) that this course was not recognized by the Education Department as well as Department of Industrial Training and Vocational Education, Haryana. A meeting was convened by the Financial Commissioner & Principal Secretary Industrial Training & Vocational Education Department on 27-11-2003 to discuss this matter. Minutes of the meeting are annexed at Annexure R-II. It was decided in the meeting to ask the Kurukshetra University to discontinue this course from the next academic session i.e. 2004-2005 as this course is highly practical-oriented and running it through distance education will not be in the best interests of the students. Moreover, the University issued a caution notice in various leading news-papers in which it was made clear that some institutions, parties had given misleading advertisements for the Kurukshetra

University course of Art &Craft diploma as a teacher training course. A copy of caution notice is annexed at Annexure R-III. It has been clarified in this notice that all DCC Courses including the diploma in Art & Craft of Kurukshetra University course do not guarantee any specific job. Thus Kurukshetra University has itself clarified that the Art & Craft diploma given by the University is not a Teacher Training Course. Keeping in view all these facts, the respondents decided not to give recognition to the diploma in Art & Craft of Kurukshetra University & other Universities for the purpose of appointment as Art & Craft Teacher vide letter No.22/29-2006 C&V (3)/CO-4 dated 12-12-2006. Thus, the petitioners have no right or cause of action for filing such petition as the University which granted such diplomas through Distance Education is not recognizing it as a teacher training course and has admitted in clear terms vide Annexure R-III that it is a general course in the Area of Art & Craft and the University has not made any commitment of job describing it as a teacher training course in Art & Craft. It is a course different from the Art & Craft teacher training course conducted by the Institutions of the Department of Industrial Training and Vocational Education Department Haryana. So far as Anexure P2, P3, P4 are concerned, the State Government vide memo No.20/54-99 Edu (2) dated 02-08-1999 recognized the Art

& Craft diploma conducted by the Kurukshetra University under some wrong impression that said course might have been a regular course for teacher training. But as soon as it came to the knowledge of the State Government that the said diploma is only an academic qualification and different from the course conducted by the Industrial Training and Vocational Education Haryana, the State Government decided not to recognize the Art & Craft diploma as a teacher training course for the reason stated above. The above stated letters are meaningless now and have no relevancy in the present facts and circumstances as detailed above. These letters in no way give any right to the petitioners to consider their diplomas for recognition and to consider them for appointment as Art & Craft teachers. Thus the present petition is without any merit and without any cause of action and deserves to be dismissed."

On merits, it was pleaded that once the diploma certificates of Arts & Craft from Kurukshetra University is not recognized for the purpose of appointment, it does not amount that the de-recognition took place on 12-12-2006. It actually de-recognizes such displomas from the very inception. The respondents-State relied upon Annexures R-1,R-II and R-III.

Annexure R-1 is a letter dated 24-11-2003 written on behalf of Director and Secretary to Government of Haryana, Industrial Training & Vocational Education Department, Haryana addressed to the

Higher Education Commissioner and Director, Correspondence Courses, Kurukshetra University, Kurukshetra informing them that a meeting is convened on 27-11-2003 under the Chairmanship of the Financial Commissioner and Secretary to Government of Haryana, Industrial Training & Vocational Education Department, Haryana regarding Arts & Craft course started by Kurukshetra University, Kurukshetra from the session 2003-2004. The said letter is reproduced as under:

"From

Director,
Industrial Training & Vocational
Education Department, Haryana.

To

1.Sh. Dhanpat Singh,
Higher Education Commissioner,
Haryana,
Higher Education Department.
2. Director Correspondence
Courses Kurukshetra
University, Kuruksehtra.

Memo No.T-3/Art &
Craft/Complaint 26586
Dated 24-11-2003

Subject: Regarding starting of Art & Craft Professional Diploma through Correspondence from Kurukshetra University.

.....

The Kurukshetra University, Kurukshetra has started two years Art & Craft Professional Diploma Course through Correspondence. This Diploma Course has not been given recognization by Education Department and Industrial Training

& Vocational Education Department, Haryana.

The Finance Commissioner and Secretary to Government of Haryana Industrial Training & Vocational Education Department, Haryana has called a meeting on 27-11-2003 dated 11 A.M. Room No.335, IIIrd Floor, New Secretariat, Sector-17, Chandigarh to consider the matter of recognization course being run through correspondence course by Kurukshetra University. You are requested to kindly attend this meeting.

Sd/-

Director & Under Secretary to Govt. of Haryana
Industrial Training & Vocational Education Department, Haryana."

In pursuant to Annexure R-I, on 27-11-2003, a meeting was called under the Chairmanship of Financial Commissioner and Principal Secretary to Government Haryana, Industrial Training & Vocational Education Department regarding Arts & Craft course started by Kurukshetra University, Kurukshetra, from the Session 2003-2004. The said meeting was though called by the Financial Commissioner and Principal Secretary to Government Haryana (IT & VE) but it was not attended by the Financial Commissioner. The minutes of the meeting recorded therein are reproduced as under vide Annexure R-II:

"Present

1.Sh.Dhanpat Singh, IAS

Higher Education Commissioner, Haryana.

2.Sh. Rajbir Singh, IAS

Director, Industrial Training & Vocational Education, Haryana.

3.Sh. L.C.Gupta,

Director, Correspondence courses,

Kurukshetra University, Kurukshetra.

1.Director Industrial Training informed that Kurukshetra University, Kurukshetra has started a 2 Year Art & Craft Course through distance education from this year 2003-2004. The University did not take the permission from either the Education Department or Industrial Training & Vocational Education Department.

2. Mr.L.C. Gupta pointed out that the University can start correspondence courses at their own level and there was no need to seek the permission from Govt. Of Haryana/Education Department. He further told that the public was informed that the course being conducted by them would not guarantee a job.

3. A two year Art & Craft Teachers Training Course is already being run by the Department of Industrial Training & Vocational Education, Haryana. By starting a course of a similar nature, Kurukshetra University, Kurukshetra has

stepped into the domain of the Industrial Training & Vocational Education Department. It has further created a confusion in the mind of general public as both the above courses are similar and it may cause unrest in the youth who has taken admission in this course as it is not recognized.

4. The Art & Craft Teachers Training Course being conducted by IT & VE Department is a recognized Vocational Course whereas the course of Art & Craft started by Kurukshetra University, Kurukshetra is a course conducted through distance education and hence both these courses can not be equated.

It was decided that the Kurukshetra University, Kurukshetra may be requested through the Education Department, Haryana to discontinue this course from the next Academic Session 2004-2005."

Annexure R3 is a Caution Notice issued by Directorate of Correspondence Courses Kurukshetra University, Kurukshetra, whereby some of the instructions have been issued for advertisements by the Kurukshetra University for Course of Diploma in Arts & Craft as a teachers training course, offering clarification vide letter dated 27-10-2004.

A short reply has also been filed by Sh. PD Verma, Secretary, Haryana Staff Selection Commission on behalf of respondent No.3 whereby he has almost taken similar stand as taken by respondents No.1 and 2.

During the pendency of these petitions, the Civil Misc. application No.1297 of 2007 under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure was moved on behalf of Devender Bhankar and others to implead them as party to the petition because the outcome of the result of the writ petition was to affect their service career. They sought that they be impleaded as respondents No.4 to 8. The Civil Misc. application No.1297 of 2007 was allowed by this Court vide order dated 15-02-2007. The Registry of the Court was directed to do the needful.

The respondents in this case are the candidates, who have passed their Arts & Craft Course from Department of Industrial Training and Vocational Education, Haryana. They have also placed on record their certificates vide Annexure A-1.

The respondents further relied upon letter Annexure A-2 alleged to have been written by Directorate of Correspondence Courses, Kurukshetra University, Kurukshetra, dated 24-12-2004 to Mr.Mahavir Azad Shastri, Editor, "Vanaushidi Mala",M.C.Colony, Charkhi Dadri, the relevant extract is reproduced as under:

> *"Hence it is thus, obvious that the distance education course of 2 year Diploma in Art & Craft is a course recognized by the Kurukshera University for which No Objection Certificate has also been issued by the State Government for running this course during this session. However, as already mentioned in the Caution Notice got published by the University in the leading newspaper the University do not guarantee any specific job for any of the courses including the Diploma in Art & Craft."*

Annexure A3 and Annexure P1 are the same letters written by The Financial Commissioner & Secretary to Government Haryana, Education Department, Chandigarh to the Director of Higher Education, Haryana, Chandigarh; Director of Secondary Education, Haryana, Chandigarh; Director of Primary Education, Haryana, Chandigarh and Director, SCERT, Haryana, Gurgaon where the decision was taken on the basis of Civil Writ Petition No.16320 of 1996 **Ram Bhagat etc.** Vs. **State of Haryana and others** and directions were given to the Government of Haryana to form a Committee headed by Secretary to the Government of Haryana, Education Department and laid down policy for recognition of various Degrees/Diplomas/Certificates awarded by different institutions and it was decided as under:

> *"(i) That the Degrees/Diplomas/Certificates/Examinations recognized by the Kurukshetra University, Kurukshetra, Maharishi Dayanand University, Rohtak, Guru Jambheshwar University, Hisar, Haryana Agricultural University, Hisar, NDRI Karnal, Board of School Education Haryana, Bhiwani, State Board of Technical Education Haryana would stand recognized in the State of Haryana for admission and recruitment purposes.*
>
> *(ii)The Teacher Training Courses recognized by the National Council of Teacher Education (NCTE), New Delhi would also stand recognized in the State of Haryana for the purpose.*

(iii)All examination of Foreign Universities/Boards/Examination Bodies which has been recognized by Association of Indian Universities and the University Grant Commission (UGC), New Delhi be recognized.

(iv)The Medical Qualifications of all the statutory Instiutions/Universities recognized by the L.L.B. Degree of Statutory Institutions/Universities recognized by the Bar Council of India be recognized. The Diploma in Pharmacy course conducted by Board of Technical Education and Universities in India recognized by Pharmacy Council of India be recognized. Technical degrees/diplomas recognized by All India Council of Technical Education would also be recognized if the examination is conducted by the approved University/Board.

(v)<u>While imparting recognition/equivalence to any examination in the State of Haryana for the purpose of admissions/recruitment, the opinion of the State Universities, School Education Board or the Technical Education Board as the case may be would be sought.</u>"

Another application under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure was also moved by 34 candidates on similar lines through their counsel Ms.Alka Chatrath vide

Civil Misc. No.2490 of 2007, whereby the applicants sought that they be impleaded as party to the petition as the outcome of this writ petition was likely to affect their future career. The Civil Misc. application was allowed and applicants were ordered to be impleaded as respondents. Registry was directed to do the needful.

Another application under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure was also moved by 44 candidates on similar lines through their counsel Mr.Puneet Bali vide Civil Misc.No.1967 of 2007 whereby the applicants sought that they be impleaded as party to the petition. The said Civil Misc. application was allowed and the applicants were ordered to be impleaded as respondents.

Learned counsel for the parties have been heard. Their arguments were almost common and based on the documents mentioned in the writ petition. Therefore, they are not being discussed individually.

Learned counsel for the petitioners submitted that it is the case of the petitioners that they have secured two years Diploma in Arts and Craft from Kurukshetra University, Kurukshetra, which is duly recognized by the State of Haryana in view of the blanket instructions (Annexure P1) issued by the Government of Haryana vide memo No.T5/84/79-Edu-II(2) dated 2-11-1999 and subsequent letter written to the candidates vide Anexures P3 and P4. The instructions issued by the Government of Haryana vide letter dated 2-11-1999 were further reiterated by the Director, Secondary School, Haryana vide Annexure P2 on the subject answering for “Sawal Janta Ka Jawab CM Ka” column in Danik Jagran. To buttress the arguments, it was submitted that Annexure P3 letter dated 27-5-2005 and letter Annexure P4 dated 30-5-2005 were sent to the

candidates informing them that the two years Diploma in Arts & Craft Diploma of Kurukshetra University, Kurukshetra is duly recognized by the Government of Haryana, which makes crystal clear the issues involved in these writ petitions.

Learned counsel submitted that the petitioners have applied for the post of Arts & Craft Teachers as per advertisement Annexure P5 to the Commission at the relevant time. There is no document through which the general public at large was informed that two years diploma of Arts and Craft secured through Kurukshetra University, Kurukshetra, is not recognized. It was for the first time that vide Annexure P6 letter dated 12-12-2006, the Director School Education, Haryana, Chandigarh informed to the various officers of Education Department of the State about the non-recognition of the Diplomas/Certificates in Arts and Craft obtained from Kurukshetra University, Kurukshetra, by the Government of Haryana. This letter Annexure P6 does not disclose that any policy decision has been taken by the State Government.

Learned counsel submitted that letter Annexure P6 is otherwise not going to affect the rights of the petitioners because it does not disclose whether this letter is prospective or retrospective.

In support of his arguments, reference was made to **P.Mahendran and others** Vs. **State of Karnataka and others** reported as (1990) 1 Supreme Court 411 wherein para no.5 of the judgment, it is observed as under:

> *"It is well settled rule of construction that every statue or statutory rule is prospective*

unless it is expressly or by necessary implication made to have retrospective effect. Unless there are words in the statute or in the Rules showing the intention to affect existing rights the rule must be held to be prospective. If a rule is expressed in language which is fairly capable of either interpretation it ought to be construed as prospective only. In the absence of any express provision or necessary intendment the rule cannot be given retrospective effect except in matter of procedure. The amending Rule of 1987 do not contain any express provision giving the amendment retrospective effect nor there is anything therein showing the necessary intendment for enforcing the rule with retrospective effect. Since the amending Rules were not retrospective, it could not adversely affect the right of those candidates who were qualified for selection and appointment on the date they applied for the post, moreover as the process of selection had already commenced when the amending Rules came into force, the amended Rules could not affect the existing rights of those candidates who were being considered for selection as they possessed the requisite qualifications prescribed by the Rules before its amendment moreover construction of amending Rules should be made in a reasonable manner to avoid unnecessary hardship to those who have no control over the subject matter."

Reference was also made to the Full Bench judgment passed in **Neelam Kumari** Vs. **State of Punjab and others** reported as 1993(1) RSJ 327 where the Full Bench observed that when the petitioner completed the Course and applied for job, such certificates were recognized by the State of Punjab and if subsequently the State of Punjab decided to de-recognize such certificates, same would be prospectively and will not apply retrospectively.

Reference was also placed on **Suresh Pal and others** Vs. **State of Haryana and others** reported as AIR 1987 SC 2027 where His Lordship observed as under:

> *"It would be unjust to tell the petitioners now that though at the time of their joining the course it was recognized, yet they cannot be given the benefit of such recognition and the certificates obtained by them would be futile, because during the pendency of the course it was derecognized by the State Government on 9th January, 1985. We would, therefore, allow the appeal and direct the State Govt. to recognize the certificates obtained by the petitioners and others similarly situate as a result of completing the certificate course in Shri Hanuman Yayayam Prasarak Mandal Amravati for the purpose of appointment as Physical Training Instructor in Govt. Schools in Haryana."*

Learned counsel further submitted that it is an admitted fact that Government of Haryana had been all through proclaiming to the candidates world about the recognition of the two years Diploma in Arts and

Craft issued by the Kurukshetra University as duly recognized course for the purpose of admission and employment. A reference with advantage in this context may be made from Annexures P1, P2, and P3. The scenario is changed when the note of dis-cordent was appended in the minutes of the meeting of the Officers vide Annexures R1 and R2 to the effect that the Diploma of Arts & Craft issued by the Kurukshetra University and issued by the Director of Industrial Training and Vocational Education, Haryana cannot be equated with each other. Despite the decision taken in the meeting on 27-11-2003, the decision did not see the light of the day. Even the State Government failed to adhere to the decision taken in the meeting held on 27-11-2003. Rather the Government had reiterated its stand to the students on enquiry that the Diploma in Arts and Craft of Kuruksehtra University, Kurukshetra is duly recognized by the State of Haryana vide Annexures P3 and P4 i.e. letters dated 27-5-2005 and 30-5-2005 respectively as reproduced in the earlier part of the judgment. The candidates were never conveyed any decision of the Government about the non-recognition of two years Diploma in Arts & Craft from Kurukshetra University, Kurukshetra. It was for the first time that vide letter Annexure P6 dated 12-12-2006, the various Education Departments were informed. It is this letter, which is now under challenge in these writ petitions. This letter can at the most be given prospective effect and under no circumstance it can be given the retrospective effect. It superseded the instructions issued by the Financial Commissioner vide Annexure P1. Moreover, this is not a decision of the Government taken under any Rules or Statute.

The plea of the State that the candidates were required to attend the classes for the regular course as well as have to undergo practical

training in the ITI is the only recognized Diploma was taken after the closing date of inviting the applications had expired. Therefore, it does not affect the rights of the petitioners.

One of the redeeming features is the appointment of various candidates against the post of Arts & Craft Teacher as Guest Faculty in various Government Senior Secondary Schools run by the Government at different places in the State of Haryana which further shows that the Government of Haryana has recognized these Diplomas to educate the students of Arts and Craft subjects. No objections were ever raised against their appointment as Art & Craft Teachers as Guest Faculty.

Ms.Alka Chatrath, Advocate, however, while resisting the claim of the petitioners submitted that in view of the Central Government Gazette Notification issued by the Ministry of Human Resource Development (Department of Education) dated 1-3-1995, it was incumbent upon the University to have the permission of All India Council for Technical Education before the course started.

She drew our attention to Annexure A4, a letter dated 13-10-2006 written by Prof. Rajnish Shrivastava, Advisor (Academic and PC) to one Tara Chand Yadav, P.O. Village Noorpur, Badshapur, District Gurgaon, Haryana that Director of Correspondence Courses, Kurukshetra University, Kurukshetra does not have the approval of AICTE for conducting of Diploma in Arts & Craft (Distance Education mode). She, thus, prayed that without there being any permission from the AICTE, Diploma by the Kurukshetra University, Kurukshetra is not recognized Diploma and Commission was well within its right to reject the candidature of the petitioners.

This point was considered by the Division Bench of this Court in CWP Nos.212, 288, 290, 293, 3227 and 2895 of 2004 in **Sandeep and others** Vs. **State of Haryana and others**, where the Division Bench observed as under:

> *"Admittedly all diplomas awarded by the recognized Universities are deemed to be recognized by the State of Haryana. Question is whether a diploma awarded by a University required approval of All India Council. This matter came up for hearing before the Apex Court in Bharathidasan University and another Vs. All India Council for Technical Education and others, AIR 2001 C 2861. After referring to the scheme of the Act and particularly various clauses of Section 10 and clause (h) of Section 2, it was held that the diplomas awarded by a University did not require approval of All India Council. Thus contention raised on behalf of the State cannot be accepted."*

Mr. Akshay Bhan, learned counsel appearing on behalf of respondents No.4 to 8 submitted that keeping in view the advertisement Annexure P5 where the education qualifications mentioned in Clause 2 is as under:

> *"(ii) Two year Diploma in Arts and Craft examination conducted by the Haryana Industrial Training Department or an equivalent qualification recognized by the Haryana Education Department."*

Learned counsel submitted that one of conditions is that a candidate, who possesses an equivalent qualification recognized by the Haryana Education Department can be considered for the advertised post of Arts and Craft Teachers.

In support of his arguments, he also relied upon Annexure R-II i.e. the minutes of the meeting held on 27-11-2003 where in para No.4, it was observed as under:-

> *"4. The Art & Craft Teachers Training Course being conducted by IT & VE Department is a recognized Vocational Course whereas the course of Art & Craft started by Kurukshetra University, Kurukshetra is a course conducted through distance education and hence both these courses can not be equated."*

The learned counsel submitted that in view of the observations recorded in the minutes of the meeting dated 27-11-2003, the petitioner could not be termed as possessing equivalent qualification recognized by the Haryana Education Department. This view was expressed by the members attending the meeting. The learned counsel further submitted that a table drawn in the Civil Misc. Applications No.1297 of 2007 would further manifest that both the courses are not equivalent courses, therefore, the petitioners have no right to claim themselves to be eligible for the appointment as Arts and Craft Teachers. The said table is reproduced as under:

Sr.No.	Arts & Crafts Training Course from Department of Industrial Training and Vocational Education, Haryana	Arts and Crafts Diploma from Kurukshetra University, Kurukshetra
1.	Regular Course having 2 theory papers and 8 practicals.	Correspondence course having 2 theory papers and 6 practicals.
2.	Admissions on the basis of merit i.e. Matric's percentage with Drawing as one of the subject.	No eligibility criteria only 10+2 is the eligibility in any stream. No merit determination and no age bar.
3.	Reservation policy applicable.	No reservation policy.
4.	Limited seats i.e. 30 students consists of one unit.	No limited seats.
5.	Internal assessment of 160 marks.	No internal assessment.
6.	Regular practical classes in lab such as:- a) Wood work; b) Clay modeling; c) Painting; d) Applied Art; e) Scale Geometry; f) Design and poster; & g) Still life.	No regular practical classes as the same is correspondence course.

The aforesaid table would have some relevancy but it loses the significance in the presence of the constant proclamation made by

the Government to various candidates from time to time vide Annexures P3 and P4 that two years Diploma in Arts & Craft conducted by the Kurukshetra University, Kurukshetra is recognized by the State of Haryana. Learned counsel contended that which course is recognized or not falls within the ambit of the policy of the State Government and Court should refrain themselves from pondering over the issue.

Reference can be taken from **State of Karnatka and others** Vs. **Lata Arun** in which it was held that it is not for Courts to determine whether a particular educational qualification possessed by a candidate should or should not be recognized as equivalent to the prescribed qualification and further held that such matter falls within the realm of policy decision to be taken by the State Government or the authority vested with power under any statute.

In the light of our above discussion, we are of the view that two years Diploma in Arts and Craft conducted by the Kurukshetra University, Kurukshetra has since been recognized by the State of Haryana as per the documents Annexures P1,P2,P3,P4 and P11 already discussed in the judgment. Letter Annexure P6 dated 12-12-2006 does not disclose any policy of the Government except that it de-recognized the two years Diploma in Arts and Craft issued by the Kurukshetra University, Kurukshetra and it would not affect the rights of the petitioners to be considered for the post of Arts and Craft Teachers advertised by the Commission vide Annexure P5. Regarding the question of recognition/equivalence to any examination in the State of Haryana for the purpose of admissions/recruitment, the opinion of the State Universities, School Education Board or the Technical Education Board as the case may

be, would be sought. This decision was taken by the Financial Commissioner vide Annexures A-3 and Annexure P-1 (same documents). So far as Annexure P6 is concerned, there is nothing on record to suggest that as to how Director School Education, Haryana Chandigarh came to the conclusion that the two years Diploma in Arts & Craft conducted by the Kurukshetra University, Kurukshetra is not recognized as it is not the outcome of any consultation of the Universities, School Education Board and Technical Education Board etc.

In this view of the matter, these petitions are accepted and it is held that the petitioners have a legal right to be considered eligible for the post of Arts & Craft Teacher on the strength of Diplomas secured by them from Kurukshetra University, Kurukshetra as valid for the purpose of the post advertised by the Commission. Letter Annexure P6 has not been widely circulated nor published in any newspaper for the purpose of notice to the general public. It also does not disclose its effect i.e. prospective or retrospective. This letter has also not superseded the instructions vide memo No.T5/84/79-Edu-II(2) dated 2.11.99. Its application can at the most be taken as prospective and not retrospective.

The petitioners, who have filed Civil Writ Petitions No.2315, 2323, 2328, 2365, 2409, 2411, 2438, 2446, 2531 and 2624 of 2007 on the same subject and having secured two years Diploma in Arts and Craft from Kuruksehtra University, Kurukshetra would be interviewed by the Commission on the strength of the Diploma being recognized by the State Government.

Before parting with the judgment, it is made clear that the interim order passed in various writ petitions directing the Commission

that the result would be kept in a sealed cover is hereby vacated to facilitate the Commission to declare the result of the candidates interviewed by it on any convenient date.

These writ petitions are disposed of on the terms indicated above. No order as to costs.

(R S MADAN)
JUDGE

February ,2007 (ASHUTOSH MOHUNTA)
jt JUDGE